

**IN THE UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**BECKLEY DIVISION**

RANDAL LEE BRYSON

v.

CRIMINAL ACTION NO. 5:01-00029  
Civil Action No. 5:13-20956

UNITED STATES OF AMERICA

**MEMORANDUM OPINION AND ORDER**

This action was referred to the Honorable Dwane L. Tinsley, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation, pursuant to 28 U.S.C. §636(b)(1)(B). The Magistrate Judge has submitted findings of fact and recommended that the Court deny Defendant's amended Motion to Vacate, Set Aside or Correct Sentence by a Person in Federal Custody under 28 U.S.C. § 2255 (ECF Nos. 71, 83-1, 90, and 100) and dismiss this matter from the Court's docket. ECF No. 105.

Defendant, represented by the Federal Public Defender, conceded that the Magistrate Judge's findings were mandated by current Fourth Circuit law but objected to preserve the issue for appeal. Accordingly, the Court **ADOPTS** and **INCORPORATES** herein the findings and recommendations of the Magistrate Judge; **LIFTS THE STAY**; **REINSTATES** this matter to the active docket; **DENIES** Defendant's amended motion (ECF Nos. 71 , 83, 90 and 100); and **DISMISSES** the civil matter from the docket of the Court.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented parties.

ENTER: January 14, 2021



ROBERT C. CHAMBERS  
UNITED STATES DISTRICT JUDGE